

**REMARKS**

Claims 21-40 are pending in the application.

**The Claimed Invention**

The present invention relates to a vacuum cleaner including a housing and an exhaust opening that is fluidically connected to an overpressure side of a motor/blower unit. The motor/blower unit is surrounded by an insulating capsule and is placed inside a blower housing, via a duct that has a duct section, which is arranged while extending between the insulating capsule and the motor/blower housing.

The present invention provides a fluidically optimized duct between the insulating capsule of the motor/blower unit and of a housing part with simple means whose production and assembly are cost-effective. To this end, in an exemplary embodiment, at least one capsule part of the insulating capsule is joined to a housing part, particularly of the blower housing, while forming a single piece. This largely prevents the formation of perturbing edges due to assembly gaps, and the vacuum cleaner can be cost-effectively produced and assembled with a reduced variety of parts.

**.The Rejections under 35 U.S.C. § 102(b)**

Claims 21-36 and 40 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Herron, Jr. (U.S. Patent No. 4,970,753). Applicants respectfully traverse this rejection. The present invention recites, *inter alia*, in independent claim 21, a vacuum cleaner comprising a housing and an exhaust opening that is fluidically connected to an

overpressure side of “a motor/blower unit which is surrounded by an insulating capsule and which is placed inside a blower housing.” The grounds of rejection state that Herron, Jr. discloses a vacuum cleaner comprising a housing and an exhaust opening 34 that is fluidically connected to an overpressure side of a motor/blower unit 26 which is surrounded by an insulating capsule 36 and which is placed inside a blower housing 42. Applicants respectfully submit that MPEP § 2131 provides that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Moreover, “[e]very element of the claimed invention must be literally present, arranged as in the claim.” *Id.* In the present case, the grounds of rejection have not established that each element of the claims is disclosed in the cited references. In particular, item 36 of Herron, Jr. is a noise reduction compartment which holds air baffle cartridge 44 (see col. 2. Line 61 – col. 3, line 4). Noise reduction compartment 36 does not surround motor blower assembly 24 as shown in Figure 1 of Herron, Jr. Accordingly, Applicants respectfully submit that the present invention recited in claim 21 distinguishes from Herron, Jr., and as such, claim 21 is allowable. The insulating capsule is also recited in independent claim 40, and as such, claim 40 is allowable for similar reasons. Claims 22-39 depend on claim 21 and are allowable at least for this reason, as well as their own features.

With respect to claims 27-29, the grounds of rejection state to see Figs. 1 and 3; and 4:61-68. Claim 29 recites a feature wherein “the capsule wall sections of the first capsule part and the capsule wall sections of the second capsule part are arranged so that they overlap.” Applicants respectfully submit that noise reduction compartment 36 of Herron, Jr. does not teach the capsule of the present invention for the reasons discussed above, nor first and second capsule parts, and therefore nor would it teach an overlapping feature. Moreover, col. 3, lines 61-68 recite features of the air flow baffle cartridge and would not be relative to the capsule feature of the present invention.

With respect to claims 30-36, the grounds of rejection state to see Figs. 1-3; and 4:1-5. Claims 30-36 recite various features of the capsule part, and therefore, for the reasons above, are not disclosed or suggested by Herron, Jr.

**The Rejections under 35 U.S.C. § 103(a)**

Claims 37-39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herron Jr. in view of Moshenrose et al. (U.S. Patent Publication No. 2005/0210628). The grounds of rejection acknowledge that Herron, Jr. does not disclose the housing part of the blower comprising a holder for receiving a bearing element for the motor/blower unit. However, the grounds of rejection state that Moshenrose et al. discloses a vacuum cleaner fan unit in which the housing part of the blower comprises a holder for receiving a bearing element for the motor/blower unit so as to facilitate ease of periodic inspection and maintenance of the unit. As such, the grounds of rejection allege that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have made Herron, Jr.'s apparatus to have the housing part of the blower to comprise

a holder for receiving a bearing element for the motor/blower unit as taught by Moshenrose et al. so as to facilitate ease of periodic inspection and maintenance of the unit. Applicants respectfully traverse this rejection. As disclosed in col. 1, lines 10-30 of Herron, Jr., one drawback in related art vacuum cleaners with walls or other components formed as part of the housing is that it is difficult to implement due to molding constraints. As such, Herron, Jr. teaches a vacuum cleaner where molding is reduced in the housing, unlike in the present invention. Applicants respectfully submit, based on this teaching of Herron, Jr. that one of ordinary skill in the art at the time of invention would have not looked to other art, such as Moshenrose et al., for teaching of the inclusion of parts in the housing. Herron, Jr. teaches away from this combination. As such, Applicants respectfully submit that the combination of Herron, Jr. and Moshenrose et al. was made using improper hindsight in view of Applicants' own teaching in the present specification. Therefore, claims 37-39 are allowable.

**CONCLUSION**

In view of the above, allowance of claims 21-40 is respectfully requested. If the Examiner has any questions regarding the remarks herein, the Examiner is kindly requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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